

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TYLER BOLDEN,

Plaintiff,

v.

SCOTT DAVIS, et al.,

Defendants.

Case No. 3:23-cv-00651-ART-CLB

ORDER

I. DISCUSSION

Pro se Plaintiff Tyler Bolden has filed a form document titled “Petitioner’s Declaration of Election to Dismiss Petition.” (ECF No. 6.) The form document is for a habeas corpus case, rather than a civil rights case such as this. However, in light of Plaintiff’s *pro se* status, the Court construes the motion a request to voluntarily to dismiss this civil rights action.¹ Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). No answer or motion for summary judgement has been filed. Therefore, the Court grants the motion and dismisses this action without prejudice.

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¹ If Plaintiff did not intend to voluntarily dismiss this case, he may file a request to reopen the case within 30 days, together with an explanation of the purpose of this motion.

II. CONCLUSION

For the foregoing reasons, it is ordered that the Court construes Plaintiff's Declaration of Election to Dismiss Petition (ECF No. 6) as a motion for voluntary dismissal and grants the motion. This action is dismissed in its entirety without prejudice.

It is further ordered that Plaintiff's application to proceed *in forma pauperis* (ECF No. 3) is denied as moot.

Dated this 30th day of August 2024.

A handwritten signature in black ink, appearing to read "Anne R. Traum", is written over a horizontal line.

ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE